

JAP:LAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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13-115 M

UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. § 846)

FERNANDO HURTADO,
HENRY MARTINEZ,
MAYRA L. RODRIGUEZ-MENDEZ and
CARLOS A. PIEDRAHITA-ROGELES,
also known as
"Pancho."

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

FREDDY GOMEZ, being duly sworn, deposes and states
that he is a Special Agent of the United States Department of
Homeland Security, Homeland Security Investigations ("HSI"),
duly appointed according to law and acting as such.

Upon information and belief, on or about and between
February 6, 2013, within the Eastern District of New York and
elsewhere, the defendants FERNANDO HURTADO, HENRY MARTINEZ, MAYRA
L. RODRIGUEZ-MENDEZ and CARLOS A. PIEDRAHITA-ROGELES, also known
as "Pancho" together with others, did knowingly and
intentionally conspire to distribute and possess with intent to
distribute a controlled substance, which offense involved 500

grams or more of a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846)

The source of your deponent's information and belief are as follows:¹

1. I have been a Special Agent with HSI and its predecessor agency, Immigrations and Customs Enforcement ("ICE") for approximately sixteen years. In this position, I am tasked with investigating narcotics trafficking, among other offenses. During my tenure with HSI and ICE, I have participated in numerous narcotics investigations during the course of which I have (1) conducted surveillance of individuals engaged in drug trafficking; (2) reviewed and analyzed numerous taped conversations; and (3) debriefed cooperating drug traffickers. Through my training, education and experience, I have become familiar with (1) the manner in which narcotics are imported and distributed; (2) the method of payment for such drugs; and (3) the efforts of persons involved in such activity to avoid detection by law enforcement.

2. I am familiar with the facts and circumstances set

¹ Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

forth below from information learned through my personal involvement in this investigation, confidential sources and reports made to me by other law enforcement authorities.

3. Through surveillance and review of recorded communications, I have learned that in July 2012 defendants FERNANDO HURTADO and HENRY MARTINEZ negotiated the purchase of at least one kilogram of cocaine from an undercover agent.

4. Specifically, on July 17, 2012, the undercover agent and a confidential source ("CS"), whose information has proven to be reliable, met with two individuals, later identified as defendants FERNANDO HURTADO and HENRY MARTINEZ, at a McDonalds in Queens, New York. During this initial meeting, defendants FERNANDO HURTADO and HENRY MARTINEZ negotiated a purchase of kilogram quantities of cocaine from the undercover agent.

5. On or about November 2, 2012, the undercover agent and defendants FERNANDO HURTADO and HENRY MARTINEZ, met at a Burger King in Queens, New York. During this subsequent meeting, defendants FERNANDO HURTADO and HENRY MARTINEZ again negotiated the purchase of kilogram quantities of cocaine from the undercover agent.

6. After the November 2, 2012, meeting the undercover agent communicated through Blackberry messenger with the Sources (the "Sources") of the cocaine in Ecuador and Mexico. The Sources indicated in sum and substance that someone would

contact the undercover agent with instructions and container information about a shipment of 29 kilos of cocaine headed to Los Angeles, California. The Sources also stated in sum and substance, that 18 of the 29kilos of cocaine shipped were for "PANCHO," later determined to be the defendant CARLOS PIEDRAHITA-ROGELES and the brother-in-law of FERNANDO HURTADO.

7. On January 23, 2013, the undercover agent communicated through Blackberry messenger with FERNDANDO HURTADO. FERNDANDO HURTADO then indicated in sum and substance, that, PANCHO ("PIEDRAHITA-ROGELES") had just arrived in the United States and wanted to talk to the undercover agent.

8. On or about January 24, 2013, the undercover agent met with FERNDANDO HURTADO and HENRY MARTINEZ at a Burger King in Queens, New York and discussed in sum and substance, meeting with PIEDRAHITA-ROGELESin Los Angeles, California to retrieve the 18 kilos of cocaine from the containermeant for PIEDRAHITA-ROGELES. Additionally, FERNDANDO HURTADO, HENRY MARTINEZ and the undercover agent agreed upon a set purchase price of \$28,000 for the remaining 11 kilos of the cocaine.

9. On January 27,2013, a containershipbythenameof "MV Horn Bay"believed to be containing the subject cocaine arrivedataportclose toLos Angeles, California.Onthat date,agentsboarded the ship "MV Horn Bay."AfteraCustomsandBorderProtection

("CBP") canine identified the presence of narcotics in container number TCLU1056260 on the ship, CBP officers opened the container. Inside the container, agents found twenty-nine brick-shaped objects with a total gross weight of approximately 31.50 kilograms. The brick-shaped objects field-tested positive for cocaine. On January 27, 2012, HSI seized the narcotics.

10. On or about the evening of February 4, 2013, PIEDRAHITA-ROGELES sent a Blackberry message to the undercover agent, stating in sum and substance that he would be arriving in New York on February 6, 2013, to receive his 18 kilos of cocaine as previously discussed.

11. On February 6, 2013, the undercover agent met in a restaurant in Queens, New York, with PIEDRAHITA-ROGELES to further discuss the release of the 18 kilos of cocaine. The undercover agreed to release the 18 kilos of cocaine to PIEDRAHITA-ROGELES's associates in Los Angeles. FERNANDO HURTADO subsequently joined the meeting. FERNANDO HURTADO then discussed the purchase of the remaining 11 kilograms of cocaine previously negotiated on January 24, 2013, and agreed to meet with the undercover agent later that day.

12. At approximately 2:00 pm in the afternoon, PIEDRAHITA-ROGELES and FERNANDO HURTADO exited the restaurant and headed towards a blue Toyota Camry parked a couple of blocks away from

the restaurant. FERNANDO HURTADO and PIEDRAHITA-ROGELES entered the car, which was being driven by HENRY MARTINEZ. Inside the car, an unidentified woman, later identified as MAYRA L. RODRIGUEZ-MENDEZ was observed sitting in the back.

13. At approximately 2:30 p.m. on February 7, 2013, HSI agents arrested defendants FERNANDO HURTADO, HENRY MARTINEZ, MAYRA L. RODRIGUEZ-MENDEZ and CARLOS A. PIEDRAHITA-ROGELES also known as "PANCHO."

14. The defendant FERNANDO HURTADO was read his Miranda warnings, and the defendant admitted in sum and substance that he was acting as a broker, negotiating the purchase of 11 kilos of cocaine on HENRY MARTINEZ's behalf.

15. The defendant CARLOS A. PIEDRAHITA-ROGELES was read his Miranda warnings, and the defendant admitted in sum and substance that that he knew that was supposed to receive cocaine, and that he was supposed to deliver the narcotics to an unknown individual after receiving further instructions.

16. The defendant MAYRA L. RODRIGUEZ-MENDEZ was read her Miranda warnings, and the defendant admitted in sum and substance, that she was sent by the Source from Mexico to make sure drug deal went through.

WHEREFORE, your deponent respectfully requests that the defendants FERNANDO HURTADO, HENRY MARTINEZ, MAYRA L. RODRIGUEZ-MENDEZ AND CARLOS A. PIEDRAHITA-ROGELES also known as "Pancho", be dealt with according to law.

Dated: Brooklyn, New York
February 7, 2013

S/ Freddy Gomez

FREDDY GOMEZ
Special Agent
Homeland Security Investigations

Sworn to before me on
February, 7 2013

S/ Ramon Reyes
THE HONORABLE RAMON E. REYES JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK